

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 620 - HB 761

February 17, 2017

SUMMARY OF BILL: Requires, rather than authorizes, county legislative bodies to appoint three jail inspectors at each year's January legislative term. States that the Tennessee Corrections Institute (TCI) has the power and duty to present the written results of annual inspections to the Senate Judiciary Committee, the Senate State and Local Government Committee, the House Criminal Justice Committee, and the House Local Government Committee, by March 1 of each year, and to report the results of any failure by a local jail, lock-up, workhouse, or detention facility, for the purpose of maintaining TCI standards, to the state senator and state representative representing the area where the facility is located.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$300/Tennessee Corrections Institute

Other Fiscal Impact – To the extent county governments elect to compensate appointed jail inspectors, there will be a permissive increase in local expenditures. The amount of any permissive increase cannot be reasonably determined.

Assumptions relative to County Appointed Jail Inspectors:

- Under current law, pursuant to Tenn. Code Ann. § 41-4-116(a), county legislative bodies are authorized to appoint three county residents of lawful age to act as jail inspectors for the year, and the court is authorized to appoint inspectors at any other time for a period of less than one year.
- This legislation would require county legislative bodies to make appointments and continue to allow courts to appoint three jail inspectors each year.
- Jail inspectors will be appointed during regularly-held legislative meetings.
- There is no requirement for compensation for county or court appointed jail inspectors. Any increase in expenditures resulting from compensating appointed jail inspectors is permissive and cannot be reasonably estimated.

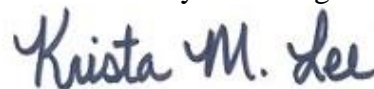
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Assumptions relative to TCI:

- Under current law, pursuant to Tenn. Code Ann. § 41-4-140 (a)(2), TCI has the power and duty to inspect all local jails, lock-ups, workhouses and detention facilities at least once a year and publish the results of the inspections.
- This legislation states that TCI has the power and duty to present the written results of annual inspections to the Senate Judiciary Committee, the Senate State and Local Government Committee, the House Criminal Justice Committee, and the House Local Government Committee. Any impact resulting from the TCI compiling previously published results into a presentation for appropriate state legislative committees is estimated to be not significant.
- Based on information from TCI, in 2016, TCI conducted 216 local jail, lock-up, workhouse, or detention facility inspections or re-inspections, of which 10 resulted in the facility failing to maintain TCI standards. These numbers are assumed to remain constant for the purpose of this fiscal note.
- Under current law, pursuant to Tenn. Code Ann. § 41-4-140(a)(4), TCI is required to report any deficiencies and departure from standards and order correction of any facility failing in order to maintain TCI standards to the Commissioner of the Department of Correction, sheriff, judge, and mayor or head of political subdivision where the institution is located.
- This legislation states that in addition to the aforementioned list, deficiencies and departure from standards and orders of correction of any facility failing to maintain TCI standards are required to be sent to the state senator and state representative representing the area where the jail or penal institution is located.
- Based on information provided by TCI, reports are sent via certified mail.
- Based on the number of 2016 facility failings and an estimated cost of \$15 per certified mailing, it is estimated there will be a recurring increase in state expenditures of \$300 to send additional failure reports to each senator and representative (\$15 x 10 facility failures x 2 mailings).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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